

Senate Judiciary Committee Meeting  
September 17, 2013  
SB 319

Thank you for allowing me the opportunity to briefly comment on SB 319 and to share my thoughts on what has been drafted.

In general SB 319 seems reasonable. Rightly so it leaves LWOP on the table for murder & is not applied retroactively unless SCOTUS finds differently at some future point in time. The Bill adequately defines what must happen & when, who is responsible for what and the priority of cases. Though a sentence other than LWOP for 1<sup>st</sup> degree murder is a difficult pill for me to swallow the Bill clearly articulates an alternative sentence as called for by MILLER. While I feel a 25-year minimum sentence for murder is less than appropriate the Bill provides a meaningful opportunity for parole also to the satisfaction of MILLER. The difficulty for me is that regardless of the final legislative outcome my son's murderer will benefit from a re-sentencing hearing. Our expectations were set with the conclusion of his trial where he was found guilty of 1<sup>st</sup> degree premeditated murder, murder of a peace officer & 2-felony firearm charge & sentenced to LWOP. Of course we'd face the appeal process but MILLER changed the rules for sentencing after the fact taking from us the closure & finality we deserved. Now, no matter how sound the trial process & just the original sentence were we face further distress while the murderer looks forward with hope. There is nothing we can do about it; it's in the hands of others. We can only trust the courts will affirm his rightly deserved sentence. Sadly others like us will also be forced to experience the same.

Miller made much of our needing to consider the mitigating circumstance of youth for sentencing purposes but gave little if any consideration to the victims. Though the Bill allows for victims to make an impact statement at time of sentencing or re-sentencing their opportunity to do comes after the court has more or less decided on the sentence. While impact statements may be cathartic for the victims in reality they seem to have little if any impact on the courts sentencing decision. It would be more just and meaningful to the victims if the courts as evidence for sentencing purposes consider their input like the mitigating circumstances of youth. My hope is that the final Bill & legislation might reflect the same.

Among the mitigating factors cited by MILLER were family, home environment & peer pressure. In doing so MILLER shifted some of the accountability away from the juvenile and placed it on others. Legislation that makes clear that parents or guardians found to have neglected their parental duties & responsibilities as well as those who exploited, coerced, manipulated, or otherwise corrupted will be exposed to the full extent of the law comprehensively administers justice. Laws that genuinely hold others accountable for their responsibility to those under 18 to the degree that they are may reasonably serve as a deterrent to criminality & to the positive development of juveniles. Such an addition to your Bill might well lead to better results along those lines.

When it comes to the murder of law enforcement officers, firefighters, first responders & the like beyond the irrevocable harm caused that person their survivors, the communities they serve as well as the institutions sanctioned by us to ensure a safe, law abiding society have been injured as well. In such instances if not LWOP additional time served beyond the minimum for murder seems reasonable & necessary to preserve our right to safety. Anything less undermines law & order in our society. For the sake of public safety & in support of those who risk their lives for it I encourage a provision in the law that calls for their murderers to serve an additional amount of time to the minimum term for murder prior to having an opportunity for parole.

Again thank your for your time. I appreciate your legislative efforts to bring our State in compliance with MILLER. As you endeavor to bring this matter to closure I urge you to keep the best interests of the victims at the forefront of your decisions.

Ken Samborski  
Brighton, Michigan, Livingston County